



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

MEMORANDUM

DATE: July 16, 2007

SUBJECT: Likely to Adversely Affect Determination for Metolachlor Relative to the
Threatened California Red-legged Frog

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TO: Arthur-Jean B. Williams, Associate Director Environmental Fate and Effects
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Attached is the assessment of potential effects to the threatened California red-legged frog from uses of the herbicide metolachlor. While the Endangered Species Act requires that EPA assess uses of pesticides relative to any potentially affected listed species, this assessment focuses only on the California red-legged frog, addressing provisions of the settlement agreement entered into by the federal government to resolve claims made by plaintiffs against EPA (CBD v. EPA¹).

The attached assessment was conducted consistent with the Agency's Overview Document² and results in the determination that uses of metolachlor are likely to adversely affect (LAA) the California red-legged frog indirectly via habitat degradation (effects on vegetation) and may result in adverse modification to critical habitat for the same reason. As required by the Alternative Consultation Agreement EPA entered into with the US Fish and Wildlife Service and National Marine Fisheries Service Services), the scientist (Dr. Edward Odenkirchen) certifying this effects determination has been trained by the Services to make such determinations. Additionally, this assessment was subjected to internal Agency peer review throughout its development.

¹ Settlement agreement of *Center for Biological Diversity (CBD) vs. EPA et al.* (Case No. 02-1580-JSW(JL)).
² Overview of the Ecological Risk Assessment: Process in the Office of Pesticide Programs, U.S. Environmental Protection Agency: Endangered and Threatened Species Effects Determinations: January 23, 2004.

Please let us know if you have any questions regarding this assessment and effects determination for metolachlor relative to the California red-legged frog.

cc: Steven Bradbury
Peter Caulkins

Attachment